



Senate

General Assembly

File No. 124

February Session, 2012

Substitute Senate Bill No. 282

Senate, March 27, 2012

The Committee on Aging reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE RETURN OF A GIFT TO A PERSON IN
NEED OF LONG-TERM CARE SERVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 17b-261a of the 2012 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective July 1, 2012*):

4 (d) (1) For purposes of this subsection, an "institutionalized
5 individual" means an individual who is receiving (A) services from a
6 long-term care facility, (B) services from a medical institution that are
7 equivalent to those services provided in a long-term care facility, or (C)
8 home and community-based services under a Medicaid waiver.

9 [(d)] (2) An institutionalized individual shall not be penalized for
10 the transfer of an asset if the entire amount of the transferred asset is
11 returned to the institutionalized individual. The partial return of a
12 transferred asset shall not result in a reduced penalty period.

13 [(1)] (3) If there are multiple transfers of assets to the same or
14 different transferees, a return of anything less than the total amount of
15 the transferred assets from all of the separate transferees shall not
16 constitute a return of the entire amount of the transferred assets.

17 [(2)] (4) If the circumstances surrounding the transfer of an asset and
18 return of the entire amount of the asset to the institutionalized
19 individual [indicates] indicate to the Department of Social Services that
20 such individual, such individual's spouse or such individual's
21 authorized representative intended, from the time the asset was
22 transferred, that the transferee would subsequently return the asset to
23 such individual, such individual's spouse or such individual's
24 authorized representative for the purpose of altering the start of the
25 penalty period or shifting nursing facility costs, that may have been
26 borne by such individual, to the Medicaid program, the entire amount
27 of the returned asset shall be (A) regarded as a trust-like device, and
28 (B) considered available to such individual from the date of transfer for
29 the purpose of determining Medicaid eligibility. If such individual
30 demonstrates to the department that the purpose of the transfer and its
31 subsequent return was not to alter the penalty period or qualify such
32 individual for Medicaid eligibility, the entire amount of the returned
33 asset is considered available to the individual from the date of the
34 return of the transferred asset.

35 [(3) The conveyance and subsequent return of an asset for the
36 purpose of shifting costs to the Medicaid program shall be regarded as
37 a trust-like device. Such asset shall be considered available for the
38 purpose of determining Medicaid eligibility.

39 (4) For purposes of this section, an "institutionalized individual"
40 means an individual who is receiving (A) services from a long-term
41 care facility, (B) services from a medical institution which are
42 equivalent to those services provided in a long-term care facility, or (C)
43 home and community-based services under a Medicaid waiver.]

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2012</i>	17b-261a(d)
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AGE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill makes technical changes to the statutes regarding Medicaid eligibility. There is no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sSB 282

***AN ACT CONCERNING THE RETURN OF A GIFT TO A PERSON IN
NEED OF LONG-TERM CARE SERVICES.***

SUMMARY:

This bill makes technical changes to the statute regarding asset transfers by Medicaid long-term care beneficiaries.

EFFECTIVE DATE: July 1, 2012

COMMITTEE ACTION

Aging Committee

Joint Favorable Substitute

Yea 12 Nay 0 (03/15/2012)